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Attorneys for Plaintiffs, VERONICA GUTIERREZ, ERIN WALKER  
and WILLIAM SMITH, on behalf of themselves and all others similarly situated

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER  
and WILLIAM SMITH, as individuals, and on  
behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS  
FARGO BANK, N.A.; and DOES 1 through  
125,

Defendants.

Case No.: C 07-05923 WHA (JCSx)

CLASS ACTION

**DECLARATION OF RICHARD D. McCUNE IN  
SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE REQUEST TO FILE  
PORTIONS OF PLAINTIFFS' REPLY TO  
OPPOSITION OF WELLS FARGO BANK, N.A.  
TO PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION UNDER SEAL**

**DATE: August 21, 2008  
TIME: 8:00 a.m.  
DEPT: Courtroom 9, 19th Floor**

Judge Assigned: Hon. William H. Alsup  
Complaint Filed: November 21, 2007

I, RICHARD D. McCUNE, hereby declare the following:


1. I am an attorney licensed to practice law before all of the courts of the State of California and I am a partner of McCune & Wright, LLP, counsel of record for Plaintiffs. The following facts are within my personal knowledge or based on records and files at my law firm, and, if

1 called upon as a witness, I could and would testify competently thereto. I make this  
2 Declaration in support of Plaintiffs' Administrative Request to File Portions of Plaintiffs'  
3 Opposition to Defendant's Motion for Summary Judgment Under Seal.

- 4 2. Portions of Plaintiffs' Reply to Opposition of Wells Fargo, N.A. to Plaintiffs' Motion for  
5 Class Certification and Declaration of Richard D. McCune in Support of Reply to Opposition  
6 of Wells Fargo Bank, N.A. to Plaintiffs' Motion for Class Certification refer to or contain  
7 information that has been designated as confidential by Defendant Wells Fargo Bank, N.A.,  
8 pursuant to the Stipulated Protective Order in this case. Plaintiffs have redacted those  
9 portions from the public version of the documents and will lodge herewith a redacted version  
10 of these documents with the Court.

- 11 3. Furthermore, **Exhibits 24, 27, 28 and 29** of the Declaration of Richard D. McCune in  
12 Support of Reply to Opposition of Wells Fargo Bank, N.A. to Plaintiffs' Motion for Class  
13 Certification refer to or contain information that has been designated by Defendant as  
14 confidential pursuant to the Stipulated Protective Order in this case. Good cause exists to  
15 seal **Exhibits 24, 27, 28 and 29** of the said declaration.

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct. Executed this 7th day of August, 2008, in Redlands, California.

18   
19 \_\_\_\_\_  
20 Richard D. McCune